

REMARKS

The claims are claims 13 to 25.

A CORRECTED CLAIM OF PRIORITY UNDER 35 U.S.C. §120 is attached. The UTILITY PATENT APPLICATION TRANSMITTAL filed in this application cited the wrong serial number of the parent application of this application ("09/851,573") rather than the correct serial number ("08/851,573"). Note that the preliminary amendment filed with this application cites the correct serial number of the parent application in the insertion before the first line of this application.

Claims 13 to 25 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 5 of Li et al U.S. Patent No. 6,272,615 in view of Rostoker et al U.S. Patent No. 5,864,554.

The obviousness-type double patenting rejection of claims 13 to 16 is improper. With the correction of the claim of priority, it is clear that the application that matured into Li et al U.S. Patent No. 6,272,615 is the parent application of this divisional application. Because claims 13 to 16 were in the application 08/851,573 and subject to the restriction requirement, Li et al cannot be used as a reference against these claims according to 35 U.S.C. 121. Accordingly, the obviousness-type double patenting rejection of claims 13 to 16 should be withdrawn.

Claims 17 to 20 recite subject matter corresponding to claims 2 to 5 of Li et al. These claims are all dependent upon base claim 13 which cannot be subject to an obviousness-type double patenting rejection over Li et al. Accordingly, these dependent claims 17 to 20 are allowable over Li et al and Rostoker et al.

Claims 21 to 25 recite subject matter similar to respective claims 13 and 17 to 20, except that independent claim 21 omits the limitations of the digital to analog converter and the speaker

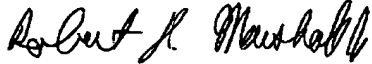
subsystem recited in independent claim 13. This difference between claims 13 and 21 is insufficient to make claims 21 to 25 outside the non-elected group II in the election made in the parent application serial no. 08/851,573. Accordingly, the obviousness-type double patenting rejection of claims 21 to 25 is improper and should be withdrawn.

Note that the Applicants traversed the election requirement in the parent application serial no. 08/851,573. The Examiner in that application then ruled that claims 13 to 16 were patentably distinct inventions from those ultimately granted in Li et al. It is unfair to the Applicants and improper under 35 U.S.C. 120 for the current Examiner to rule differently in this application.

The Applicants respectfully submit that all the present claims are allowable for the reasons set forth above. Therefore early reconsideration and advance to issue are respectfully requested.

If the Examiner has any questions or other correspondence regarding this application, Applicants request that the Examiner contact Applicants' attorney at the below listed telephone number and address to facilitate prosecution.

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Respectfully submitted,

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